IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FIRST DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NOs. 21605 of 2002 & 16240 of 2003

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W.P. No.21605 of 2002:

Between:

Smt. P.R.Usha, w/o. P.L.Ravinder Naidu, Teacher, r/o. 8-1-136/138/A,

Maruthinagar Colony, Shaikpet village, Hyderabad.

..... PETITIONER

AND

Government of A.P., rep.by its Principal Secretary, Revenue Department,

Secretariat, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the rates fixed for 8th Ward in Schedule-I of G.O.Ms.No.455, Revenue (U.C.I.) Department, dated 29-7-2002 issued by the respondent as illegal, arbitrary, highly excessive, discriminatory, null and void and consequently direct the respondent to restructure the rates for 8th Ward in Schedule-I of G.O.Ms.No.455, dated 29-7-2002 keeping in view the market price of land in various parts of Ward No.8, M.C.H., Hyderabad Division.

W.P. No.16240 of 2003

Between:

Smt.Adiba Sultana W/o. M.A.Rasheed,
resident of Nayaquila Golconda, Hyderabad.

..... PETITIONER

AND

The Government of Andhra Pradesh, rep. by its Principal Secretary,
Revenue Department, Secretariat, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the rates fixed for 8th ward in Annexure-I, of G.O.Ms.No. 455 Revenue (UCI) Department, dt. 29.7.2002, as illegal, arbitrary excessive, discriminatory, null and void and consequently direct the respondent to restructure the Rates of 8th Ward in Schedule-I, of G.O.Ms.No. 455 Revenue (U.C.I) Department dt. 29.7.2002 keeping in view the market price of land in various parts of ward No. 8.

Counsel for the Petitioner:MR.MOHD.ZIA-UL-HAQUE (in both)

Counsel for the Respondent : G.P. for Assignment. (in both)

The Court made the following :

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NOs.21605 of 2002 and 16240 of 2003

COMMON ORDER:

In these two Writ Petitions the petitioners purchased house plots in under registered sale deeds. The land is covered by provisions of Urban Land (Ceiling and Regulation) Act, 1976 (for short, the Act), and in accordance with the procedure taken under the said Act, the land by the time of purchase stood vested in the Government. Be that as it is, the Government of Andhra Pradesh introduced a scheme for allotment of land under Section 23 of the Act to those persons who are under occupation of the land by reason of document executed in their favour. The sum and substance of these guidelines is regularizing the occupation subject to occupant paying the rate of the land mentioned in Schedule-I annexed to the G.O.Ms.No.455, dt.29.7.2002. This Government Order is assailed in the Writ Petition on the ground that the rate payable by the occupants seeking regularization is not rational or reasonable.

Learned Assistant Government Pleader for Revenue (Assignment) has placed reliance on unreported judgment of Division Bench of this Court in **M.Rammohan Reddy v. The Government of Andhra Pradesh** (Writ Petition No.21395 of 2002, dt.13.11.2003) in support of the contention that the impugned G.O.Ms.No.455, dt.29.7.2002 does not suffer from any infirmity.

In **M.Rammohan Reddy v. The Government of Andhra Pradesh** (supra) the Writ Petition was filed *probono publico* challenging the impugned order and another order on the ground that the said policy guidelines are contrary to the provisions of the Act and also public policy. This Court examined the said contention in the light of Section 23 of the Act and various decisions of the Supreme Court. The challenge was repelled and it was observed:

From a close scrutiny of the Governmental Orders under challenge, it is seen that the State Government had taken various difficulties into consideration and took a policy decision to subserve the common good as contemplated under Section 23(4) of the Act. Further, as seen from the above, the land under the impugned G.Os has been in possession and enjoyment of the members of the 3rd respondent-society for more than two decades and the society has applied for exemption under Section 20(1)(a) of the Act as early as in 1981. HUDA has approved the plan. General Power of Attorney holder of the landlord had allotted plots to each member and they are in possession. It is also stated that all the members of the society are senior citizens and parted with their monies to the owner and also paid amounts as fixed by the Government. Thus, looking from any angle, the policy decision taken by the Government purportedly to be under Section 23(4) of the Act

cannot be said to be arbitrary, illegal or contrary to the objects and provisions of the Act. In this context, we are in total agreement with the argument of the learned Advocate General. The Government had taken the ground realities, such as, pendency of the application of a society of employees, who had parted with their money, HUDA has approved the plan, plots were allotted to them and the long litigation and further the guidelines of the apex Court, into consideration and issued the impugned G.Os allotting the excess lands to such respective third parties in occupation, subject to certain conditions, particularly collecting some amounts towards the cost of the plots. The same can either be said to be illegal or arbitrary.

The above observations of the Division Bench would show that the policy decision taken by the Government is for the public good that it was taken having regard to ground realities and that the same does not in any manner suffer from illegality or arbitrariness. To my mind, this judgment covers the grounds urged herein also.

The Writ Petitions are devoid of merit and are accordingly dismissed. No costs.

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(V.V.S.RAO, J)

1.11.2004

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To

1. The Principal Secretary to Government, Revenue Department,

Govt.of A.P., Secretariat, Hyderabad.

2. 2CCs to G.P. for Assignment, High Court Buildings, Hyderabad.

3. 2CD copies